

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 125 OF 2005

M/s. Uppalar Spinners ...Petitioner

Versus

M/s. Shalibhadra Traders & Anr ...Respondents

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Mr. Ganesh S. Vaidya, Advocate for Petitioner

Mr. Y.S. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 21ST JULY, 2005

P. C. :-

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.
2. The petitioner has prayed for quashing of process issued against him in Criminal Case No. 223/35/2004 which is pending in the Court of learned Additional Chief Metropolitan Magistrate, 30th Court at Kurla, Mumbai. In the said case, process has been issued against the petitioner under Section 138 r.w. 141 of Negotiable Instruments Act.
3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in

Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties. All contentions of the petitioner are left open.

6. Office to issue an authenticated copy of this order to the parties.

7. Writ Petition is disposed of.
